

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Curtis Richardson, #28507-171, a/k/a Curtis)
Richardson, #269166, a/k/a Curtis D.)
Richardson, a/k/a Curtis Dale Richardson,)

Case No.: 4:21-cv-4067-JD-TER

Plaintiff,)

OPINION & ORDER

vs.)

Warden N. Barnes, Mr. Davis, Lt. Bates,)
C.M.C. Swann, Associate Warden Williams,))
Ms. Leviner,)
Defendants.)

This matter is before the Court with the Report and Recommendation of United States Magistrate Thomas E. Rogers, III, (“Report and Recommendation” or “Report”), made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 of the District of South Carolina.¹ On January 7, 2022, plaintiff Curtis Richardson, #28507-171, a/k/a Curtis Richardson, #269166, a/k/a Curtis D. Richardson, a/k/a Curtis Dale Richardson (“Richardson” or “Plaintiff”), proceeding *pro se*, filed a Motion for Leave to Proceed *in forma pauperis*. (DE 7.) However, in light of Plaintiff’s prior “strikes,” he cannot proceed with the instant complaint unless his claim satisfies the exception for imminent physical harm provided by the “three-strikes” rule. 28 U.S.C. § 1915(g). (DE 10, p. 3.)

The Report and Recommendation was issued on January 7, 2022, recommending Plaintiff’s Motion for Leave to Proceed *in forma pauperis* be denied and Plaintiff be given 14 days to pay the


¹ The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

\$402 filing fee, and if Plaintiff fails to pay the full \$402 filing fee within this timeframe or otherwise fails to seek an extension of time to do so, Plaintiff's Complaint be dismissed without prejudice and without issuance of service of process. (DE 10.) Plaintiff filed no objections to the Report and Recommendation. In the absence of objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). The Court must "only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Upon review of the Report and Recommendation and the record in this case, the Court adopts the Report and Recommendation and incorporates it herein by reference.

It is, therefore, **ORDERED** that Plaintiff's Motion for Leave to Proceed *in forma pauperis* (DE 7) is denied. It is **FURTHER ORDERED** that Plaintiff must pay the full filing fee within fourteen (14) days of this Order. If Plaintiff fails to pay the full filing fee within the time period, or seek an extension of time to do so, the Complaint will be dismissed without prejudice and without issuance of service of process.

IT IS SO ORDERED.


Joseph Dawson, III
United States District Judge

February 2, 2022
Greenville, South Carolina

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.